

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>DAVID HAY,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 68260</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on April 22, 2016, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Rebecca Klymkowsky, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**8074 South Hoyt Street, Littleton, Colorado  
Jefferson County Schedule No. 169118**

The subject is a 1,146 square foot ranch with basement and garage. It was built in 1984 on a 0.129 square foot site in the Dakota Station Subdivision.

Respondent assigned an actual value of \$245,000 but is recommending a reduction to \$230,000 based on appraisal. Petitioner is requesting a value of \$180,000.

Mr. Hay described considerable neglect and damage to the subject inflicted by tenants. The damage included mice infestation and stains/odors from pets and smoke. Needed repairs and replacement included extermination, drywall and baseboards, all flooring, kitchen countertops, main bathroom fixtures, two new sinks, window frame/sill and glass, balusters and handrails, six interior and one exterior door, one storm door and two sliding door screens. lighting fixtures, driveway concrete, storage shed, and sod.

Mr. Hay's requested value is based on materials and labor, developer profit, Realtor fees and closing costs totaling \$133,140, which he subtracted from the original actual value of \$264,030 (subject's value prior to reduction by BOE). He considered \$180,000 a conservative and reasonable value and testified to sales of homes at the \$180,000 price point in the neighborhood.

Respondent's witness, Vic Galluzzo, Certified Residential Appraiser for the Jefferson County Assessor's Office, presented a Market Approach with five comparable sales ranging in sale price from \$190,000 to \$255,000. After adjustments for various characteristics, including date of sale, greenbelt land contributor, basement walk out, basement finish, living area size, fireplace, market condition, bath count, kitchen update, bath remodel and air conditioner, the adjusted sale prices ranged from \$232,550 to \$265,500. Mr. Galluzzo testified that three of the five adjusted sale prices fell at the lower end of the range. He concluded to a value below the range at \$230,000.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

The Board does not agree with Respondent's 15% remodeling adjustments, as it does not address the extent and differences in quality of the work of the individual comparable sales. Also, the allocated improvement values of Sales Two and Four is not defined or supported. However, the Board was given no alternate methodology.

Respondent's witness failed to apply a condition adjustment reflecting tenant damage. Petitioner provides no support for his repair estimate of \$133,140, and the Board does not agree with his addition of Realtor fees, closing costs and profit. With little data and support from either party, the Board estimates a condition adjustment to be \$30,000, which includes Petitioner's reported \$18,000 for materials plus \$12,000 for labor and inconvenience. Re-adjusted values, respectively, are \$202,550, \$207,900, \$206,000, \$235,500, and \$215,282. With three adjusted sale prices falling in a narrow range (\$202,550, \$206,000 and \$207,900), the Board concludes to a value of \$205,000.

**ORDER:**

Respondent is ordered to reduce the 2015 actual value of the subject property to \$205,000.

The Jefferson County Assessor is directed to change their records accordingly.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of

the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent. Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

**DATED and MAILED** this 9th day of May, 2016.

**BOARD OF ASSESSMENT APPEALS**

*Debra A Baumbach*

Debra A. Baumbach

*MaryKay Kelley*

MaryKay Kelley

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

*Milla Lishchuk*

Milla Lishchuk

